

## **REMARKS**

Claims 21, 26, 32, 33, 38 and 39 are now pending in the application with claim 26 having been previously withdrawn. Claims 21 and 32 are currently amended. No claims are cancelled or newly added by this amendment. Support for the foregoing amendment can be found throughout the specification, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **REJECTION UNDER 35 U.S.C. § 103**

Claims 21, 32, 33, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishihara (JP 2003-050534; “Ishihara”). This rejection is respectfully traversed.

Applicant has made amendments to Claims 21 and 32 which are supported by, for example, FIG. 11. The amended Claims 21 and 32 provide certain advantages compared to Ishihara.

First, when radiating a beam for recording information on the recording layer, the beam is not disturbed by passing through, for example, a cladding layer and a core layer before reaching the recording layer. Therefore, when focusing on converging the beam on a spot of the recording layer, the spot can be small, and hence, it is possible to achieve the recording layer with a high density.

Second, if the beam for recording information on the recording layer passes through, for example, a cladding layer and a cover layer before reaching the recording layer, the beam causes chemical changes or changes by heat. In such a case, there is

a possibility of changing the volume of the medium and causing bubbles in the medium. Therefore, in such a case, there is a strong limitation on materials applied to the medium. Compared to Ishihara, the present application does not have such a limitation and provides flexibility for selecting materials.

Consequently, Applicant believes that the present application is significantly different from Ishihara and achieves the above-described advantages. In addition, Claims 33 and 38 depend from Claims 32 and 21, respectively, and should be allowed for similar reasons. Therefore, it is respectfully submitted that claims 21, 32, 33, and 38 define patentable subject matter over Ishihara. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claim 39 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishihara as applied to claim 21 and 38 above, and further in view of Ramapujam (U.S. Pat. No. 6,801,348; "Ramapujam"). This rejection is respectfully traversed.

Since Claim 39 depends from Claim 38, the foregoing arguments with respect to Claim 38 apply here equally. Therefore, it is respectfully submitted that claim 39 defines patentable subject matter over Ishihara and further in view of Ramapujan. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 6, 2010

By: /Gregory A. Stobbs/ \_\_\_\_\_  
Gregory A. Stobbs  
Reg. No. 28,764

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

GAS/dec